

AMENDED SUMMARIZED MEETING MINUTES

**CITIZEN CODE OF ETHICS TASK FORCE
REGULAR MEETING
PINNACLE CONFERENCE ROOM
7575 EAST MAIN STREET
SCOTTSDALE, ARIZONA
JANUARY 17, 2006**

PRESENT: Art DeCabooter, Chairman
Jim Bruner (arrived at 6:01 p.m.)
Jim Derouin
Margaret Dunn (arrived at 5:14 p.m.)
Ned O'Hearn
Dewey Schade

ABSENT: Rita Saunders-Hawranek

STAFF PRESENT: Teri Traaen

ALSO PRESENT: Tim Delaney, Center for Leadership, Ethics & Public Service
Michael S. Kelly
George Knowlton
Debby Robberson, City Attorney
Neal Shearer

CALL TO ORDER

Chairman DeCabooter called the regular meeting of the Citizen Code of Ethics Task Force to order at 5:12 p.m.

CALL TO ORDER

Chairman DeCabooter noted that members of the Task Force were present as stated above.

OPEN CALL TO THE PUBLIC

George Knowlton expressed concern about the recent secrecy amongst elected officials, requesting that the issue of unethical secrecy be addressed in the Ethics section of the Code of Ethics Policy.

Michael Kelly stated that he appreciated the Task Force's endeavors. He pointed out that the ultimate goal is to recommend a code of ethics with the end result being to engender ethical behavior. Mr. Kelly requested that the Task Force's recommendation to City Council be completed as soon as possible and suggested inclusion of an entire integrated system including the code, principles involved along with training, and aspects of enforcement. Mr. Kelly noted that the most important issues he would like addressed are conflicts of interest and disclosure, such as: Who do you turn to when talking about a charter, officer, or elected official?

Mr. Kelly discussed the necessity of open and accessible government, noting that the City of Scottsdale's General Plan has a section already addressing accessibility and government. Mr. Kelly pointed out that this document was voted on by the public in March 2002 and accepted with over 11,000 votes, reflecting the importance of the public's participation and Scottsdale's history of formulating public policy matters.

APPROVAL OF THE DECEMBER 19, 2005 MINUTES

Upon conclusion of the meeting, Michael S. Kelly reported that in the last paragraph of page 7, the word Hillsboro should be changed to Hillsborough.

MR. DEROUIN MOVED FOR APPROVAL OF THE MINUTES OF THE DECEMBER 19, 2005 MEETING AS AMENDED. THE MOTION WAS SECONDED BY MR. SCHADE AND CARRIED UNANIMOUSLY BY A VOTE OF 5 (FIVE) TO 0 (ZERO).

DISCUSSION ON PROPOSED COMPONENTS OF ETHICS POLICY/PROGRAM

Tim Delaney of the Center for Leadership, Ethics & Public Service addressed the meeting, referring to a written material flipchart of the following:

1. Option A— ICMA/FH/PV Code
2. Option B
 - 1) Unique "comprehensive ethics program"
 - 2) The pledge of public service
 - 3) Disclosure of personal interests
 - 4) Other— ethics handbook, ethics training, ethics officer, and other
3. Laws
4. Other

Option A

Mr. Delaney reported that a general outline of the proposals were prepared based on the Task Force's previous meetings. He explained Option A as being a coherent document consisting of the combined ICMA, Fountain Hills, and Paradise Valley Codes of Ethics. He noted that he tried to blend the Codes together in a flowing manner, and to identify provisions from the FH Code not available in the PV Code in order to address any questions. The combined Code consists of language with an aspirational tone, mixed with language that is substantive law.

Option B

Mr. Delaney noted that, after further review, Option A did not address other issues discussed by the Task Force in November and December 2005 which led him to develop Option B.

He explained that Option B provides a framework for 1) a Comprehensive Ethics Program unique to Scottsdale; 2) the pledge of public service— which could be supplemented with substantive legal provisions or replaced by the Model Code of Option A (he indicated that

merging Option A in place of the pledge of public service portion in Option B is one easy method); 3) Disclosure of Personal Interests— system to handle conflicts of interest (preventive work benefiting the people of Scottsdale); and 4) other—need for an ethics handbook, ethics training and education, appointment of ethics officers, and any other desired provisions.

Regarding ethics training, Mr. Delaney presented an article about ethics training proposed by the Speaker of the House from Congress. He discussed examples of required ethics training such as the White House requiring that 3,000+ employees receive mandatory ethics training, and the City of Chicago's scandal that resulted in 37,000 employees receiving ethics training.

Laws

Mr. Delaney recalled the Task Force's desire to expand the laws grid to include a general summary explaining what the law actually says such as not accepting bribes, the meaning of nepotism, and the sanctions along with their penalties. Mr. Delaney commented that he would like to address an existing hole under the political activities section of the grid, which applies to elected and appointed officials and not the employees.

Mr. Delaney addressed the Task Force's desire to include laws such as conflicts of interest, gifts, the City Attorney attending Executive Sessions (which could be addressed in a motion recommending City Council adopt the AR-320, including the comprehensive approach of Option B), and other desired substantive laws.

Mr. Delaney addressed Task Force questions and the answers he researched. He noted that the answers were prepared to the best of his ability as an attorney, but because he is not the City's Attorney, he recommended that the Task Force seek the City Attorney for any legal advice.

- Q. Can the City impose stricter standards regarding conflicts of interest than State law?
- A. As a result of Mr. Delaney's research and follow-up discussions with significant public attorneys in the State, the answer is no. The Arizona Statutes regarding conflicts of interest begin with the sweeping provision in:

A.R.S. 38-501(b): Notwithstanding the provisions of any other law, or the provisions of any charter or ordinance of any incorporated city or town to the contrary, the provisions of this article shall be exclusively applicable to all officers and employees of every incorporated city or town... and shall supercede the provisions of any other such law, charter, provision, or ordinance.

A.R.S. 38-501(c): Other prohibitions in the state statutes against any specific conflicts of interest shall be in addition to this article if consistent with the intent and provisions of this article.

Mr. Delaney summarized that the Task Force can clarify things that are contained in State law which apply to Scottsdale, but there are limitations.

Mr. Schade questioned whether the Task Force is prohibited from having an ability to cause strong censure or reprimand. Mr. Delaney explained that such is possible in the case of clarifying existing law but will be difficult if adding penalties, requirements, or raising the standards. Mr. Delaney explained that the Task Force could propose it to City Council and they could raise it knowing that if anyone tried to enforce it, it would be stricken and the judge would not uphold it.

Mr. Derouin recalled that Mr. Delaney cited the State law that refers to "law, charter, or ordinance" and inquired whether it is a violation of the State statute to establish an ethics policy that goes beyond State law, as long as the "policy" is not enacted as an "ordinance" or as a part of the charter.

Upon request by Mr. Delaney, Debby Robberson explained that Scottsdale's charter requires Council to act by ordinance or resolution for those things that have the affect of an ordinance. She elaborated that if the policy is going to be an ordinance or have the affect of an ordinance, it should be applied along with a penalty.

Mr. Schade questioned whether it would make a difference whether the Council passed it. Mr. Delaney stated that the conclusion of A.R.S. 38-501(b) states: *"and shall supercede the provisions of any other and such law, charter, provision, or ordinance."* Additional research is necessary to determine whether the "law" means statute or any other form of law.

Upon inquiry by Mr. Derouin, Ms. Traaen confirmed that AR #320 is not an ordinance. Mr. Derouin explained that he thought the Task Force was going to propose a mixture of specific ordinance amendments, along with administrative procedures similar to those contained in #320. He elaborated that the aspirational parts would be unconstitutionally vague and void if enacted as an ordinance, resulting in failure; but enacted as a policy, could succeed.

Discussion ensued regarding the challenge of implementing a strong ethics policy and statement crafted so that it will fall within the law. Mr. Delaney recommended that these issues could be revisited when the particular proposals come out.

Upon further discussion, Mr. Schade commented that people often talk about the spirit of the law versus the letter of law. He stated that the policy should at least have a spirit of the law since the letter of the law may be weaker. Mr. Delaney suggested devising a laudatory pledge or code of behavior, pulling out things that should be enforced as separate items to be adopted by City Council, and then enforcing some type of penalty.

Mr. Delaney also addressed:

- 1) Does Arizona's open meeting law restrict the City Attorney from being in executive sessions only when the reason for the executive session is to give legal advice?

Mr. Delaney reported that Jessica Funkhouser from the Arizona Attorney General's Office Special Council for Open Meetings confirmed: It is still the policy of the Attorney General's Office that a city attorney or any public agency attorney is allowed to go into executive session for any reason such as monitoring or providing advice. Ms. Funkhouser stated, "We believe it's always prudent to do so."

- 2) When going into an executive session to provide a city employee review, a city attorney could be asked to leave because of the confidential nature of the session.

Open Meeting Laws—Executive Sessions

Discussion ensued identifying that one should be able to depend upon the City Attorney to address City Council regarding violations of open meeting laws, and how such pertains to City Council Executive Sessions.

Mr. Delaney reported that the new law added in 2000 that defines executive sessions states: "Only individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities may attend the executive session." Mr. Delaney

noted that does not mean that the City Attorney cannot attend an Executive Session. He further reported that his research indicates that there is no current requirement in Arizona law or local laws prohibiting City Attorney's from attending Executive Sessions.

Ms. Robberson explained that the practice is that on all Executive Sessions -- excluding personnel issues -- the City Attorney or legal representative attends Executive Sessions. She also noted that the City Clerk often attends Executive Sessions (excluding personnel issues) to take minutes.

Mr. Schade questioned whether there were any instances when any City Attorney has ever been asked to leave an Executive Session. Ms. Robberson stated that she does not know of any City Attorney who has ever been asked to leave an Executive Session, excluding the performance review of charter officers. She added that each of the members of the public body is charged with following the open meeting laws. Members are informed and trained about open meeting laws and are charged with following the rules. The violation of open meeting law is on the individual member of the public body, which promotes their effort to avoid penalization.

Mr. Schade questioned whether there were instances where the City Attorney had to tell Council Members that they are crossing the line on open meeting laws. Ms. Robberson recalled some instances where City Attorneys must state that "the discussion is outside the scope of what is allowed." She advised that if a disallowed topic continues to be discussed, the members have a duty to leave the Executive Session in order to exclude themselves from participation.

Discussion ensued, whereupon Chairman DeCabooter recommended that this topic be continued as a component of the overall plan. Mr. Delaney followed by summarizing provisions for Options A & B as outlined in the flipchart.

Ms. Dunn recommended that when combining Options A and B, they need to embrace it for implementation on a day-to-day basis, making Scottsdale different from other communities.

Mr. Derouin remarked that when looking at the alternatives, he agreed with Option A because it was more specific. Option B is devoid of all substance and would be an aspiration only, lacking specificity that would be instructive to appointed/elected officials.

Upon inquiry by Mr. Shade, Mr. Derouin noted that he could support a combination of Option A plus B, which would be a merging of them together. Mr. Derouin then presented a draft of proposed amendments for paragraphs 4(c), 4(d), and 7(c) of the Draft Code of Ethical Behavior, which was created on the assumption that Option A would be selected. Mr. Derouin addressed the following:

Proposed paragraph 4(c) of Draft Code of Ethical Behavior:

Avoid Conflicts of Interest; Avoid the Appearance of Conflicts of Interest. When we, a relative or an entity in which we have a financial interest has a substantial interest in any decision of the City, we shall (a) declare the substantial interest, within 48 hours, in the official records of the City and (b) refrain from participating in any manner in the decision (whether by voting on, communicating about, discussing the subject of or attending meetings relating to the decision) by the City Council, any member of the City Council or any City employee, contractor, agent, representative, charter officer, board member, commission member or office and/or agency.

Mr. Derouin explained that he began with State law and combined it with wording from the League of Cities and Towns material provided by Jay Osborn. State law basically states that

if you are a council member or appointee to any board or commission of the City and have a financial interest in any decision; you must (a) declare that within 48 hours on the records of the City, and (b) refrain from participating in any manner in the decision. Upon further explanation, he reported that the added language "whether by voting on, communicating about, discussing the subject of or attending meetings relating to the decision" is considered new/clarification.

Proposed paragraph 4(d) of Draft Code of Ethical Behavior:

Disclose All Commercial Dealings With the City. We shall disclose in the official records of the City any commercial dealing with the City by us, a relative or an entity in which we have a financial interest including the sale of any services, products or personal or real property to the City.

Mr. Derouin commented that he would add "sale or purchase of any services" and "to or from the City" to the disclosure provision drafted for paragraph 4(d).

Proposed amendment to paragraph 7(c) of Draft Code of Ethical Behavior:

Prohibition Against Gifts. We shall not directly or indirectly solicit, receive or accept any thing of value from any person, or any related entity or person, who has applied for or who has received a permit, license or other approval from the City. "Any thing of value" shall include money, services, loans, travel, entertainment, hospitality, promise or any other form of gift or gratuity including the purchase of any real or personal property by us, a relative or an entity in which we have a financial interest at a value below that available to the general public. This policy shall not apply to hospitality, transportation or other assistance provided to City officials when such hospitality, transportation or other assistance is directly related to our participation in community events as a representative of the City.

Mr. Derouin recalled that at their first meeting he identified how ironic it was that it was illegal to solicit a gift but wasn't illegal to receive it. He stated that the gift statute doesn't have the conflict of interest problem, noting that the phrase: "directly related to our participation in community events" means that if one is invited to a Chamber of Commerce event, they are allowed to eat a free meal.

Discussion ensued clarifying that the gifting policy will not have to pertain to State statutes since it is not barred by the conflict of interest. Members agreed that a sentence should be added regarding souvenir gifts.

Discussion followed clarifying what type of gifts would be considered acceptable. Mr. Delaney noted that Scottsdale law currently states: "No gifts, gratuities, or other benefits or items shall be solicited" and that the language about acceptance is under the bribery laws. He noted the difficulty in distinguishing between those hospitality items given as a result of City service versus those automatically received because of personal relationships. Mr. Delaney recommended that the Task Force add an escape clause for relatives.

Mr. Delaney also reported that the general concept needs adjustment to consider: "You shall not solicit or receive anything of value from a person who has applied for or who has received a permit, license, or an approval from the City." Mr. Delaney reiterated that State law indicates that "if all members of a committee or legislature are invited to an event," it is allowed, but if it is "individuals" there cannot be a dollar amount.

Mr. Derouin remarked that the City of Scottsdale's Section 14-135—Gifts and Gratuities does not prohibit the receipt as well as the solicitation and "a thing of value" definition is too narrow.

The current standard carve outs include a \$25.00 limitation. He suggested addressing: receipt and the sale of real or personal property at a value less than available to the public.

Discussion ensued identifying that the City's Gift Ordinance specifically applies to City employees and any gift received from any source that falls within the ordinance is prohibited or it must be declared. Mr. Delaney noted that under Arizona law, if an APS employee requests the adoption of a policy at the Corporation Commission, they could be considered a "compensated lobbyist."

Mr. O'Hearn questioned whether a land use attorney or developer (paid lobbyists) is covered under this ordinance for not providing any service or gratuity above \$25.00. Mr. Derouin reported that Section 14-135 does apply to City employees, elected and appointed officers.

Mr. Derouin suggested amending in Option B, the reference "no gifts or gratuities or other benefits or items of value shall be solicited" to "or received by a City employee or officer for personal benefit." Upon further discussion, Mr. Derouin agreed to amend Section 14-135 to include legislative form reflecting proposed deletions/additions.

Neal Shearer reported that he was a staff member working with City Council in 1999 when the Gifts and Gratuities Ordinance was adopted and explained that the reason the language "by a City employee or officer for personal benefit" was included was due to numerous City events/activities and a formal sponsorship program that seeks donations from the community.

Ms. Dunn stated that the interpretation and clarification of which gifts are or aren't acceptable gets very gray, especially when deciphering whether it is considered a gift to obtain support or just an obligatory employment gift. Mr. Derouin stated that admission to events sponsored or funded in whole or in part by the City or furnished by the sponsor of the event is excepted as indicated under F1.

Ms. Robberson clarified that Part D of the Ordinance states "gifts and other personal benefits or items of value shall not be accepted if they could be reasonably construed to be an attempt to exert improper influence on a decision." She further clarified that Part F contains exclusions such as "city sponsored" or "because it's reasonable hosting or goodwill gifts received" set as those which would not be considered exerting improper influence. Mr. Derouin agreed to reconsider the proposed amendment to paragraph 7(c) in consideration of Ms. Robberson's comments.

Chairman DeCabooter inquired as to whether the State level protocol regarding registered lobbyists having specific guidelines and quarterly reports to submit, follow at the City Council level. Mr. Delaney reported that at the State level the lobbyists have to report quarterly and annually, and there is no equivalent at the City of Scottsdale or State law requirement in that regard.

Ms. Robberson commented on the Avoid Conflicts of Interest paragraph, stating that "within 48 hours" is beyond the State law requirement. She suggested that the language be changed to: "shall declare the substantial interest immediately" instead of 48 hours to eliminate changing of votes. She clarified that the requirement to refrain from participation is immediate.

Conflict of Interest

Discussion ensued regarding the handling of conflicts of interest, including what the Conflict of Interest and Gifts forms from City Council consist of. Mr. Delaney reported that the State

statute states: "they shall make known that interest in the official records of such public agency and shall refrain from voting or otherwise participating in any manner as an officer or employee in such decision." Discussion ensued regarding what type of record City Council keeps on various meetings and topics, in order to keep the public apprised.

Mr. Derouin expressed interest in following the money and gifts received along with the retention to represent a party and then recusing oneself from voting or attending staff meetings. He noted that merely talking is constitutionally protected.

Mr. Delaney reported that the actual statute reads: "or otherwise participating in any manner as an officer or employee in such contract, sale, or purchase and shall refrain from participating in any manner as an officer or employee in such decision."

Upon further discussion, Mr. O'Hearn brought up the fact that when an individual is retained as an advisor by an entity seeking to perform services with the City, they should not participate in any manner of communication with Council members.

Upon inquiry by Mr. O'Hearn regarding private client advice, Ms. Robberson noted that there is a balance between one's private rights and civil duty. A state law exists that says that during the period of a public officer's employment or two years thereafter, the public officer or employee shall not disclose or use for the officer's personal profit, without appropriate authorization, any information acquired by the officer in the course of the officer's official duties, which has been clearly designed to the officer as confidential.

Chairman DeCabooter directed members to page 2 of the proposal drafted by Mr. Derouin. Mr. Derouin continued the presentation.

Proposed Ordinance:

The City Attorney is directed, in addition to his or her regular duties, to be assertive, outspoken and proactive in giving advice on legal compliance on all matters. To assure strict compliance with state law, the city Attorney, or designee, shall be present at, and actively participate in, all Council meetings and all Council Executive Sessions.

Discussion ensued regarding the need for a City Attorney to be present at all Council Executive Sessions to ensure that laws are being followed.

Mr. O'Hearn recommended the language be amended by adding a parenthetical statement such as: the City Attorney is directed in addition to his/her regular duties to be assertive, outspoken, and proactive at giving advice on all matters at Council meetings and Executive Sessions. Mr. Bruner stressed opposition to having a City Attorney attend Executive Sessions when dealing with personnel matters.

Mr. Schade stated, 1) that the City Attorney should be the most knowledgeable person in the room on this issue; 2) that it is their job to participate in open meetings; and 3) public officials are elected people with concerns and considerations other than open meetings. He noted that there is a public perception that City officials routinely violate open meetings by discussing important topics and then follow up with quick voting.

Discussion ensued, highlighting that Executive Sessions are necessary to discuss questions and explanations in order to facilitate a shorter regular meeting on the results. Mr. Schade stated that Executive Sessions are for obtaining legal advice and not a political strategy device under the guise of legal advice.

Mr. O'Hearn stated that there will always be a City Attorney in Executive Sessions since the only reason to go into an executive discussion is to discuss legal matters. He identified that the question is whether the City Attorney prevents City Council from going beyond the issues relating to the Executive Session or taking a vote.

Mr. Derouin continued the presentation, explaining that the first sentence is written in response to past inactive City Attorneys and encourages that current City Attorneys remain active. The second sentence pertains to situations where an Executive Session relates to purchasing land, which is public and the public would have no way of defending itself. He further commented that a City Manager being fired should have some ability as an individual to defend himself/herself.

In response to inquiry by Mr. Delaney regarding the need of an attorney to attend Executive Sessions of all boards and commissions, Ms. Robberson reported that a City Attorney does not attend every meeting; Executive Sessions do have a greater need for attendance by legal counsel. Ms. Robberson noted that Executive Sessions are usually held in order to obtain legal advice or the negotiation of a price and they must be agendaized. Mr. Derouin agreed to consider this issue when editing the proposed ordinances for the next meeting.

Proposed Ordinance:

As a matter of policy, the City Council shall conduct its proceedings to the maximum extent possible in open session and shall adjourn to Executive Session to the minimum extent necessary. Under no circumstances shall the City Council make any decisions or provide any direction to City staff during an Executive Session. In addition, the City Attorney or designee shall be present during all Executive Sessions.

Mr. Bruner questioned why the second proposed ordinance is being included. Mr. Derouin stated that one can make decisions to go into closed sessions but sometimes it may not be a good idea.

Discussion ensued regarding the coverage of this issue in previous ordinance. Mr. Delaney reported that the Open Meeting Law Reform Act of 2000 clarified that members of public bodies may direct staff to do things but they are not allowed to take any votes or make any decisions, resulting in no official action that could be taken; only allowing direction to be given.

Ms. Robberson explained the components of City Council's written agenda along with the process for identifying cases and general reasons for arranging Executive Sessions.

Discussion followed, wherein Mr. Derouin recommended that matters be addressed in the open whenever possible and that the protocol be documented in writing.

Discussion followed regarding City employees not being required to have personnel reviews in Executive Session.

Mr. Delaney noted that an existing law directs that information disclosed in Executive Sessions is confidential and not to be disclosed. An additional requirement exists directing the public body to inform everyone at each Executive Session that what was heard is confidential by law.

Upon request by Chairman DeCabooter, Mr. Derouin continued his presentation.

Proposed Recommendations:

1. *All City employees and elected and appointed officials shall receive ethics training upon the commencement of employment.*

2. *All City employees and elected and appointed officials shall receive updated ethics training on an annual basis.*
3. *All City employees and elected and appointed officials shall sign an appropriate certification documenting the completion of initial and updated ethics training.*
4. *The City Manager shall prepare, or have prepared, appropriate training and educational materials to provide to City employees and elected and appointed officials with respect to the laws, regulations, and ethics policies relating to their position or status.*
5. *The City Manager shall periodically update the training and educational materials used as part of the City's ethics training program.*
6. *The City Council shall appoint a special task force to review and recommend modifications to the City's financial disclosure ordinances.*

Mr. Derouin reported that he enumerated topics that the Task Force discussed previously as possible recommendations.

Ms. Dunn reported receiving an excellent document at the Tourism and Development Commission meeting consisting of tabbed ethics policies, which was a great template used by the City liaison Kathy O'Connor.

Mr. Derouin continued his presentation by reiterating that he reviewed numerous pages of financial disclosures from the State Ordinance. State law mandates that each city adopt something similar to A.R.S. 38-545 along with the Revised Code at Sections 2-76 through 2-78.

Mr. Derouin noted that there are 2-3 remaining Task Force meetings for reviewing all of the proposed issues. He suggested, as an alternative, that the Task Force could elect a special group/subcommittee to research the issues. Mr. Bruner presented a thorough double-sided matrix that should be included in anything the Task Force adopts.

Mr. O'Hearn suggested Option C, which essentially takes A and carves out portions of the language and further suggested a preamble adhering to US and State laws that reads: obey the constitutional laws of the United States of America, the constitutional laws of the State of Arizona, and the chart and laws of the City of Scottsdale; crossing off the first sentence up to... and set a possible example of good citizenship by observing the letter and spirit of the laws, rules and regulations. Mr. O'Hearn noted that the Code could be comprehensive without being weighty, arranging the information in a quick and organized manner including the missing section on emails.

Mr. O'Hearn recommended that Option A be condensed, reinserting issues in a couple of sentences, referring to a program and then deciding what will be the component of the program. He also suggested that the double-sided matrix be used to create the bullet point sections. Mr. O'Hearn agreed to prepare a condensed version by the next meeting, which will be combined with Mr. Derouin's proposed information.

DISCUSSION OF ADMINISTRATIVE REGULATION #320

Mr. Derouin expressed favor regarding Administrative Regulation #320 for purposes of applying it to employees, noting that everything the Task Force has done applies to elected and appointed officials. Mr. Derouin reported that Ms. Traaen and her associates are working on the expanded code for employees. Discussion ensued about the Task Force's charge, and previous discussions endorsing or adopting the concept.

Chairman DeCabooter remarked that in the interest of time, the discussion would continue to the next meeting.

FUTURE MEETING SCHEDULE AND AGENDA ITEMS

Mr. O'Hearn confirmed that the next two meetings are scheduled for January 31, 2006 and February 7, 2006.

OPEN CALL TO THE PUBLIC

Michael S. Kelly emphasized that the ultimate purpose of this effort is to encourage ethical action. He further remarked that he is very supportive of the concept of the Personal Interest Disclosure Form.

Mr. Kelly questioned whether there is any obligation with Council Members being required to disclose campaign contributors donations that also have a case before the Council. Mr. Kelly stated that disclosure would help establish credibility with the public.

Mr. Kelly reaffirmed previous comments regarding the General Plan.

Addressing the topic of the City Attorney, Mr. Kelly reiterated that if the City Attorney is an employee and is going to be the primary ethical enforcer, then that position becomes exceptionally critical to the success of ethical undertakings. He identified the question of how to ensure that the City Attorney has the independent and morale courage to do the difficult things discussed today. Mr. Kelly posed that perhaps the City Attorney should be an elected office, wherein the City Attorney's decision making will be truly accountable to the voters in the community.

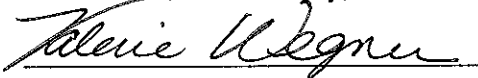
Mr. Kelly expressed concern about the principles section of the document. In conclusion, he recommended that this document tie everything together, identifying specific desires and expectations, as well as allegations and consequences thereto.

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 7:59 p.m.

Respectfully submitted by:

Valerie Wegner
Administrative Secretary, Human Resources



Reviewed by:

Art DeCabooter, Chair



Officially approved by the Citizen Code of Ethics Task Force on January 31, 2006.